

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
COURT FILE NO.: CV - _____**

Tina Reece,

Plaintiff,

v.

Financial Recovery Services, Inc.,

Defendant.

COMPLAINT

JURY TRIAL DEMANDED

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).
2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

PARTIES

3. Plaintiff Tina Reece is a natural person who resides in the City of Dawsonville, State of Georgia, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).
4. Defendant Financial Recovery Services, Inc. (hereinafter "Defendant FRS") is a corporation and a collection agency operating from address 4640 West 77th Street, Suite 300, Edina, MN 55435 and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

5. Plaintiff's incurred a consumer debt as that term is defined at 15 U.S.C. §1692a(5) with an unknown company.
6. The account alleged owed by Plaintiff was transferred to Defendant sometime prior to October, 2007.
7. Plaintiff has never lived at the same address as Jeff Freeland.
8. However, despite this fact Defendant began calling Mr. Freeland at his home (706 - ***-**-45) on or about October 1, 2007, regarding Plaintiff's alleged debt.
9. When asked, Mr. Freeland told Defendant's agent Mr. Hoffman that Plaintiff did not live there and to cease all calls to his residence.
10. Defendant left voicemail messages at Mr. Freeland's home for Plaintiff disclosing confidential and private financial information about her, in violation of 15 U.S.C. §§ 1692c, 1692d, and 1692e.
11. The messages that Defendant left were contradictory insofar as they would sometimes instruct Mr. Freeland to convey messages to Plaintiff while other messages would instruct Mr. Freeland to not listen to messages for Plaintiff, in violation of 15 U.S.C. §§ 1692d and 1692e.

TRIAL BY JURY

12. Plaintiff is entitled to and hereby demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. §1692 et seq

13. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
14. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA, including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.
15. As a result of Defendant's violations of the FDCPA, Plaintiff has suffered out-of-pocket expenses and are therefore Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in the amount of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for:

- for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A) against Defendant;
- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against Defendant;
- actual damages from Defendant for the emotional distress suffered as a result of the FDCPA violations in an amount to be determined at trial; and
- for such other and further relief as may be just and proper.

Respectfully submitted,

Dated this 31st day of January, 2008.

CONSUMER JUSTICE CENTER, P.A.

By: s/Thomas J. Lyons, Jr.

Thomas J. Lyons, Jr., Esq.
Attorney I.D. #0249646
367 Commerce Court
Vadnais Heights, MN 55127
Telephone: (651) 770-9707
Facsimile: (651) 704-0907
tommycj@comcast.net

Attorney for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION BY PLAINTIFF

STATE OF GEORGIA)
) ss
COUNTY OF _____)

Tina Reece, having first been duly sworn and upon oath, deposes and says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

s/Tina Reece
Tina Reece

Subscribed and sworn to before me
this 24 day of January, 2008.

s/Jayne Phillips
Notary Public